

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
HOWARD RICHARDSON,  
Plaintiff

Vs.

\_\_\_\_\_  
SUSA PARTNERSHIP, LP,  
Defendant.  
\_\_\_\_\_

Civil Action No.: 04-11412-NG

**OPPOSITION TO DEFENDANT'S MOTION FOR SANCTIONS**

The plaintiff, an African-American male, was employed as a maintenance person at SUSA's storage facility in Haverhill, Massachusetts. The plaintiff was terminated from employment on April 24, 2002. The reason the plaintiff was given for his termination was that he appeared for work on April 20, 2002 under the influence of alcohol. The plaintiff maintains that he was not scheduled to work, and did not work, on April 20, 2002. The plaintiff claims he was asked to drop off keys at work by a supervisor, which he did, but he did not actually work. His claims in this regard are corroborated by this supervisor. See Exhibit 1. The plaintiff does not deny that he had consumed alcohol on April 20, 2002. The plaintiff believes he has been discriminated against because of his race.

During discovery, the defendant produced a time card which appears to indicate that the plaintiff, contrary to his representations, did in fact work on April 20, 2002. See Exhibit 2. The plaintiff disputes the accuracy of the time card. Some of the writing on the time card appears to be his; some of the writing is clearly not his.

During his deposition the plaintiff was questioned extensively about this time card. Some of his testimony in this regard is attached as Exhibit 3. It is clear from his testimony that

plaintiff has considerable misgivings about the validity of this time card, for a number of reasons. Prior to speaking with counsel during the deposition, the plaintiff had already testified that he thought the writing may have been added to the document after he signed it and that he had "...never signed anything like this." See Exhibit 2, page 61. Given these important concerns and discrepancies, which he explains in his deposition testimony, the plaintiff disputes the validity of this time card and is uncertain whether the signature on it is his.

After the deposition was concluded, defense counsel corresponded with plaintiff's counsel on June 22, 2005 and July 1, 2005 concerning the issue of the plaintiff's deposition testimony. On July 6, 2005 plaintiff's counsel asked to see the original of the document in question in an effort to resolve this situation. See Exhibit 4. At a later time, plaintiff's counsel was told by defense counsel that his client does not have the original document. On July 15, 2005 the plaintiff propounded written discovery requests which asked, in part, for access to time sheets relative to the plaintiff. The plaintiff has not yet received any responses to the discovery requests.

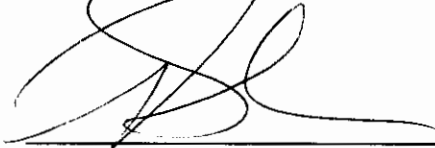
As stated above, the plaintiff has a legitimate, good faith concern about the validity of the document in question. By requesting the original document, and requesting all applicable time cards, plaintiff is making every effort to analyze the evidence in an attempt to resolve this issue. As yet, the defendant has not been forthcoming with this evidence. The plaintiff intends to continue his examination of the evidence, but at this time he is unable to determine whether the signature on the document in question is truly his.

For the reasons and arguments set forth above, the defendant's Motion should be denied.

Dated:

9/19/05

RESPECTFULLY SUBMITTED  
FOR THE PLAINTIFF  
BY HIS ATTORNEY

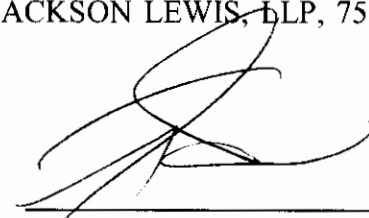


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CERTIFICATE OF SERVICE

I, Thomas J. Gleason, Esquire do hereby certify that I have this 19<sup>th</sup> day of September 2005 forwarded a copy of the within document, postage prepaid to: Thomas Royall Smith Esquire, Amanda S. Rosenfeld, Esquire, JACKSON LEWIS, LLP, 75 Park Plaza, Boston, MA 02116.



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Thomas J. Gleason, Esquire